

REMARKS

The Office Action of February 13, 2008 was received and carefully reviewed. Claims 1-17 and 21-45 were pending prior to the instant amendment, of which, claims 4-9 have been withdrawn. By this amendment, claims 1, 2, 3, 11, 12, 13, 14, 15, and 16 are amended. Consequently, claims 1-17 and 21-45 are currently pending in the instant application, claims 4-9 being withdrawn. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1, 11-16, 21-24 and 37-45 were rejected under 35 U.S.C. §102(b) as being anticipated by Takafuji (U.S. Patent No. 4,404,578). Takafuji, however, fails to render the claimed invention unpatentable. Each of the independent claims have been amended to recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, each of independent claims 1, 11, 12, 13, 14, 15, and 16 recite a combination that includes, among other things:

“wherein the third region has a first width and a second width . . . wherein the first width and the second width of the third region are narrower than a width of the first region and a width of the second region . . . and wherein the first width is narrower than the second width.”

At the very least, Takafuji fails to disclose or suggest any of these exemplary features recited in the independent claims 1, 11, 12, 13, 14, 15, and 16.

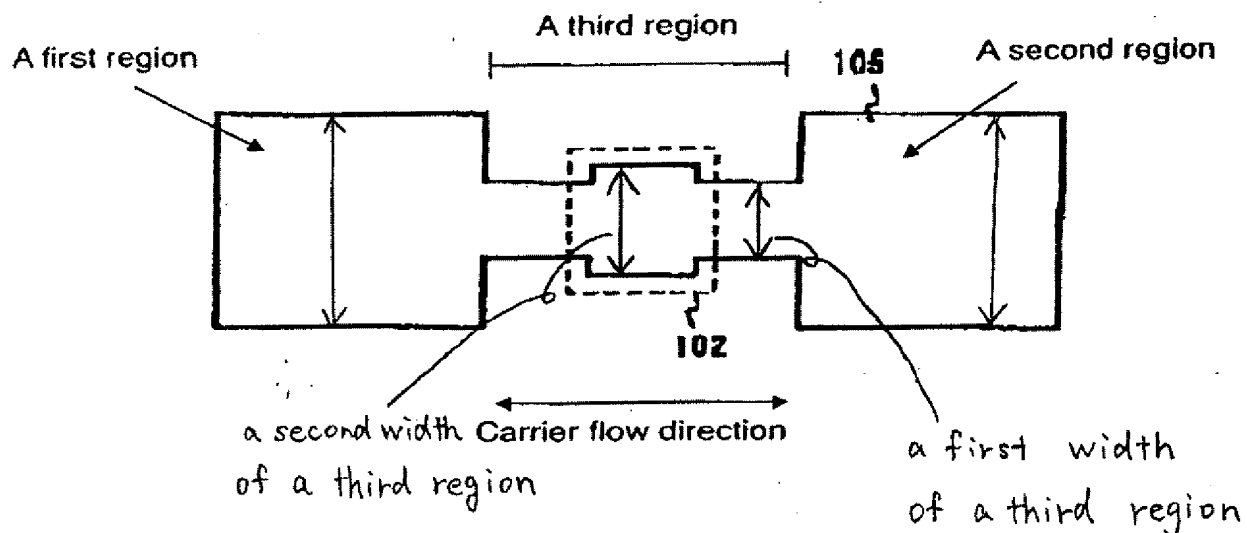
To establish anticipation under 35 U.S.C. § 102(b), the Examiner must show that each and every feature recited in these claims is either explicitly disclosed or “necessarily present” in a single prior art reference, such as within the four corners of the Takafuji patent. *See* M.P.E.P. § 2131(7th ed. 1998); *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991). To support a conclusion of anticipation, the Examiner must specifically identify “substantial evidence”

setting forth why and how the single prior art reference anticipates each and every feature recited in the claims. *See In re Mullin*, 481 F.2d 1333, 1336-37 (CCPA 1973) (An Examiner's bare assertion that claims were obviously anticipated by a reference did not inform the Applicant as to why the claims lacked novelty); *Dickinson v. Zurko*, 527, U.S. 150 (1999) (The U.S. Patent Office's findings of fact must be reviewed by the substantial evidence standard).

Viewed against this backdrop, each of the Examiner's factual conclusions must be supported by "substantial evidence" in the documentary record. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 2002). The Examiner has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness "less to 'haze of so-called expertise' acquire insulation from accountability." *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b). In this case, however, the Examiner cannot satisfy his burden of demonstrating how Takafuji, taken alone or in combination with any other prior art reference, can either render obvious each and every one of the limitations present in independent claims 1, 11, 12, 13, 14, 15 and 16 as required by the Manual of Patent Examining Procedure ("MPEP") and Federal Circuit jurisprudence.

In accordance with the present invention, the claims recite "wherein the third region has a first width and a second width . . . wherein the first width and the second width of the third region are narrower than a width of the first region and a width of the second region . . . and wherein the first width is narrower than the second width" as outlined above and further shown, for example, in FIG. 1C (see below).

Fig.1(c) of the present invention



On the other hand, the Examiner asserts that Takafuji discloses “the third region has a first and second width (both w , fig. 3)” on page 2 of the Office Action. It appears that the Examiner regards the first width and the second width as being the same widths (both w). This clearly does not teach the embodiments of the claimed invention including, *inter alia*, the first width being narrower than the second width in combination with the first width and the second width of the third region being narrower than a width of the first region and a width of the second region as recited by Applicant’s claims.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claims are not found either expressly or inherently described as required by the M.P.E.P., Takafuji cannot be said to anticipate the invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 11, 12, 13, 14, 15 or 16 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 11, 12, 13, 14, 15 and 16.

In addition, each of the dependent claims also recites combinations that are separately patentable.

Claims 2, 3, 19, 20 and 25-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takafuji (U.S. Patent No. 4, 404,578) in view of Takenaka (JP404152676A). Claims 10 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takafuji (U.S. Patent No. 4,404,578) in view of Nakayama (JP2001028338A). Takafuji, Takenaka and Nakayama, however, fail to render the claimed invention unpatentable. Each of the independent claims have been amended to recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent claims 2 and 3 recite a combination that includes, among other things:

“wherein the third region has a first width and a second width . . . wherein the first width and the second width of the third region are narrower than a width of the first region and a width of the second region . . . and wherein the first width is narrower than the second width.”

At the very least, Takafuji, Takenaka and Nakayama fail to disclose or suggest any of these exemplary features recited in the independent claims 2 and 3.

As discussed earlier, the present invention recites the claims features “wherein the third region has a first width and a second width . . . wherein the first width and the second width of the third region are narrower than a width of the first region and a width of the second region . . . and wherein the first width is narrower than the second width”.

Takafuji does not disclose or fairly suggest the aforementioned claimed features. Takenaka and Nakayama fail to remedy the deficiencies of Takafuji by providing the missing claimed elements. In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In *re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Takafuji, Takenaka nor Nakayama, taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 2 and 3. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 2 or 3 (under 35 U.S.C. §103(a)) or claims 11, 12, 13, 14, 15, or 16 (under 35 U.S.C. §102(b)) and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 2 and 3 or claims 11, 12, 13, 14, 15, and 16.

In addition, each of the dependent claims also recites combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this response, the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims.

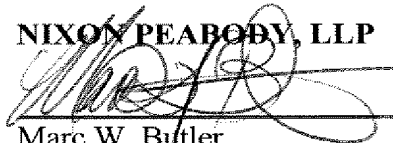
In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant

is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

NIXON PEABODY, LLP

A handwritten signature in dark ink, appearing to read 'Marc W. Butler', is written over a horizontal line.

Marc W. Butler

Registration No. 50, 219

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000
Fax: 202-585-8080